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June 23, 2008

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ADMINISTRATIVE
CLERK
NEW YORK, NY

MARK D. FOX
United States Magistrate Judge
Southern District of New York

Magistrate Mark D. Fox
United States District Court – Southern District of New York
300 Quarropas Street
White Plains, NY 10601

RE: Rose Mirdita v. Atlantic Refining & Marketing Corp. and Sunoco, Inc. (R & M)
07 Civ. 7444 (CLB) (MDF)
Our File No.: 3156

Honorable Magistrate Fox:

In furtherance of my telephone conversation with your Law Clerk on June 18, 2008, I am writing to request on consent of both parties a 60-day extension to complete discovery. The reasons for this request are as follows:

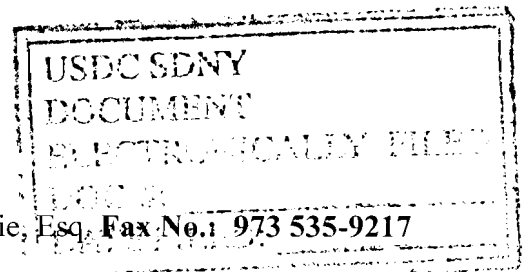
1. Although defendants provided the last known addresses of former employees with knowledge of the issues in this matter, and plaintiff subpoenaed the individuals, none of the individuals appeared. Defense counsel is now attempting to locate other employees for depositions. Since some of those may be former employees they will have to be subpoenaed also.
2. Since plaintiff has served the report of a liability expert, defendants now must retain a liability expert.
3. Defendants wish to take the deposition of plaintiff's liability expert and medical expert. Due to the busy schedule of plaintiff's medical expert, Dr. Frank Watkins, scheduling of his deposition has been difficult. I am attempting as best as I can to set this up.
4. Once defendants have designated their liability expert and since defendants have already designated a medical expert, plaintiff wants to take their depositions.
5. Most importantly, even though the subject incident occurred on November 21, 2006, the construction which created the condition that caused the incident was performed in approximately 1995, finding the records regarding said construction is difficult for defendants to locate.

For the above reasons, it is respectfully requested that the Court grant an extension of 60 days for the completion of discovery. Thank you for your consideration in this matter.

Respectfully yours,

Joel B. Savit
JBS:st

cc via fax: Connell Foley LLP - Attention: James C. Haynie, Esq. Fax No.: 973 535-9217



11/14/08 10:00 AM
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